

REMARKS

Applicant respectfully requests entry of the above amendment in the reissue application.

The amendment adds no new matter.

Some of the changes refer to a change in the priority claim to correct a typographical error in the reference to application no. 08/508,083 and to add a reference to application no. 08/512,993 in U.S. Patent No. 5,862,260 (the '260 patent), which issued from application no. 08/649,419 (the '419 application). Both of the applications 08/508,083 and 08/512,993 were referenced in the '419 application specification at page 1, line 6, as filed. When the priority claim was amended in the '419 application in an amendment mailed December 9, 1997, application no. 08/508,083 was referenced incorrectly as "08/598,083", and the reference to application no. 08/512,993 was removed. Subsequently, patent applications related to the '260 have issued that claim priority to the '419 application and application nos. 08/508,083 and 08/512,993. Examples of these patents include U.S. Patent Nos. 6,567,533 and 6,647,128. Patentee now seeks to correct the priority claim in the '260 patent to fix the error in the priority claim as well as provide proper support to the extent necessary for other applications and patents that claim priority to the '260 patent.

Under *Sampson v. Comm'r of Pat.*, 195 U.S.P.Q. 136 (D.D.C. 1976) and MPEP 1402, the correction of a priority claim under 35 U.S.C. Section 120 is a proper ground for a reissue application. Therefore, patentee requests that the patent office correct the priority claim in this reissue application as set forth in the above amendment.

Some of the changes above refer to source code appendix, referred to as Appendix B, in the original application. The specification is now being amended to provide Appendix B in source code form.

Additional changes amend claims 3 and 12 to address an antecedent basis for the phrase "the pixel domain" by changing it to --a pixel domain--. This amendment is explained further in the accompanying statement of the status and support for all changes to the claims under 37C.F.R. 1.173(c).

The balance of the changes refers to errors found during a proofreading of the published patent.

Date: January 27, 2004


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Respectfully submitted,

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue application of:

Art Unit 2621

Digimarc Corporation

Original Patent No. 5,862,260

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For: Methods For Surveying Dissemination of
Proprietary Empirical Data

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Status of the Claims and Support for Changes to the Claims Under 37 C.F.R.

1.173(c)

Claims 1-18 are pending. Claims 3 and 12 have been amended. Since the change to claims 3 and 12 merely changes the word "the" to "a", the support for this change can be found in claims 3 and 12 themselves. More generally, the use of the term "pixel" to describe a sample of a signal is used throughout the specification, and can be found, for example, at the section from column 6, line 36 to column 10, line 16; see also: column 25, line 51 to column 26, line 14; column 32, line 42, to column 33, line 3; column 51, lines 9-52, etc.

The use of the term "domain" to describe a set in which a signal is represented is also described throughout the specification, and can be found, for example, at column 2, line 65 to column 3, line 32; column 37, lines 41-46; column 43, lines 35-65; column 55, line 43; and column 91, line 59.


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